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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/504,159

02/15/2000

Lalitha Vaidyanathan

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,159

Applicant(s)

VAIDYANATHAN ET AL.

Examiner

Naresh Vig

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 –7, 9 – 11, 15 – 39, 41 – 55 are rejected under under 35 USC § 102(e) as being unpatentable over Sloo U.S. Patent 5,895,450.

Regarding Claims 1, 2, 33, 34 and 41, Sloo discloses a method and system for automatically handling and resolving user (plaintiff) complaints against subjects (defendant) is disclosed. The method includes a routine for directing the apparatus to receive a complaint from a complainant against a subject, a routine for directing the apparatus to receive from the subject a response to the complaint, a routine to direct the apparatus to store the complaint and response in a data record, and a routine for negotiating a settlement of the complaint.

The computer system includes a central computer, plurality of access terminals coupled with the central computer by a communications network, the access terminals receive complaints and responses from the users, deliver them to the central computer and receive transmissions from the central computer. The communications network is a conventional telecommunications network including a plurality of switches connected to corresponding local exchange carriers. The network may also be a local area network, wide area network, wireless network, voice network, or any other type of network operable for coupling the access terminals to the central computer. The private communications transmitted over the communications network may be encrypted or otherwise protected using available technology.

Sloo discloses several modes to resolve the issues which include "Negotiate the Complaint", "Request a Judge/Jury" to allow either the user or subject to request intervention by a third party to resolve the dispute; "Automatic Negotiator" to allow the system to determine a resolution to the dispute; and "Appeal a Decision" to allow either part to appeal a decision that was rendered using either of the three previous options.

Regarding claims 3 and 35, Sloo disclose that central computer is programmed to receive complaints and responses, store the complaints and responses in individual data records, and negotiate settlements to the complaints. Once the disputes are resolved, the settlements or judgments are stored along with their respective complaints and responses in the data records. It is inherent that information stored is historical information about the dispute and its outcome.

Regarding claims 4 and 36, Sloo discloses to receive complaints and responses, store the complaints and responses in individual data records, and negotiate settlements to the complaints by several means. Once the disputes are resolved, the settlements or judgments are stored along with their respective complaints and responses in the data records. The program then evaluates all of the gathered information to arrive at a judgment. For example, the program may compare the characteristics from the current data record with the characteristics from the data records for the previously resolved complaints to arrive at an appropriate judgment. Over time, the apparatus and program will accumulate a large number of data records that can be used to accurately predict the proper judgment for almost any type of complaint or dispute.

Sloo also discloses that the "Automatic Decision Maker" routine of the program provides initial instructions. The program then prompts the user to enter the user's questions or potential disputes. The program then retrieves data records from previously resolved complaints to evaluate the information entered to arrive at a proposed solution to the current question or dispute. For example, the program may compare the characteristics from the current question or dispute with the characteristics from the data records for the previously resolved complaints to arrive at an appropriate solution. The program then transmits or allows the user to view the proposed solution.

Regarding claims 5, 6, 37 and 38, Sloo discloses that the "Automatic Decision Maker" routine of the program provides initial instructions. The program then prompts the user to enter the user's questions or potential disputes. The program then retrieves data records from previously resolved complaints to evaluate the information entered to arrive at a proposed solution to the current question or dispute. For example, the program may compare the characteristics from the current question or dispute with the characteristics from the data records for the previously resolved complaints to arrive at an appropriate solution. The program then transmits or allows the user to view the proposed solution.

Also, Sloo allows a user to gain information that may be useful regarding a future interaction with another person or entity. For example, a person may wish to determine whether interacting with certain other parties in a given situation may result in a dispute or complaint. By monitoring participant behavior in certain situations and outcomes (complaint activity or measurable satisfaction levels) over time, the program may compare the current situation with other similar situations having known outcomes and predict the outcome for the present situation based on these known outcomes.

Regarding claims 7 and 39, Sloo discloses to prompt the user to enter his or her complaint, the action the user requests to resolve the complaint or dispute, an abbreviated description of the complaint such as several key words summarizing the complaint etc.

Regarding claims 9 and 10, Sloo discloses that the program may allow the complainant to establish a settlement (possibly a monetary value or a contract condition) that the complainant would accept to settle the dispute. This settlement offer would be communicated to the subject of the complaint so that the subject could accept or refuse the settlement offer.

Regarding claim 11, Sloo discloses several modes to resolve the issues which include ""Request a Judge/Jury" to allow either the user or subject to request intervention by a third party to resolve the dispute; Third party negotiators are selected from the group consisting of a judge, a plurality of jurors, an arbitor and third party negotiators. The program retrieves the complaint data record and transmits it to the selected judge or jurors or allows them to view the data record while on-line. The program also retrieves and allows the selected judge or jurors to review the performance records for both the complainant and the subject. The judge or jurors then review all of the information regarding the complaint and issue their judgment. The judge/jury is encouraged to consider all the relevant information including the complaint, response, and past history of the complainant and subject as described in their respective performance records. The judgement is received in the central computer and stored along with the complaint and response in the appropriate complaint data record.

Regarding claims 15 – 19, Sloo discloses to use a central computer, a plurality of access terminals, and a communications network coupling the central computer with the

Art Unit: 2165

access terminals. The communications network is preferably a conventional telecommunications network including a plurality of switches connected to corresponding local exchange carriers. The network may also be a local area network, wide area network, wireless network, voice network, or any other type of network operable for coupling the access terminals to the central computer. The private communications transmitted over the communications network may be encrypted or otherwise protected using available technology. Sloo does not disclose the communication mode is selected by the dispute resolution specialist. However, it is inherent that the communication mode can be selected by any of involved parties in the dispute which can be based upon their preferences. Therefore the party selecting the communication mode can be the user, the subject or the third party dispute resolution specialist. For example a subject is not familiar using a computer may select the telephone as the communication mode.

Regarding claim 20 and 21, Sloo does not disclose to highlight agreements between parties. It is notoriously known that people use visual cues to highlight the portion of the document that require user's attention. For example, web pages are known for using different fonts, making the letters bold, blinking, different color, underline etc).

Regarding claims 22 – 24, 47, Sloo discloses that after receiving the judgement related to the dispute, the program then updates both the complainant's and the

subject's performance records to reflect the judgment. The program then uses this new information to adjust the rating or score for the complainant and the subject.

Specifically, the rating or score for the prevailing party is increased, while the rating or score for the losing party is decreased. Parties maintaining high scores or ratings may enjoy many benefits while using the apparatus. For example, these ratings or scores are used during the resolution of future complaints so that a party with a high score will more likely receive a favorable resolution to a future complaint while a party with a low score will more likely receive an unfavorable resolution.

Regarding claims 25 and 48, Sloo discloses to allow users of the apparatus to indicate their support or opposition to a judgment by posting the judgment and encouraging responses. However, Sloo does not disclose that the data relates to compliance of a participant to the final decision made in the resolution of the dispute. It is inherent that users of a service have to abide with the rules and regulations of the service provider. If the service provider has the mandates that the judgement received will be the final judgement, then both the user and the subject have to agree to accept third party's judgement as final judgement before they begin to use the system.

Regarding claims 26 and 49, Sloo does not disclose to highlight offenders. It is notoriously known that people use visual cues to highlight the portion of the document

that require user's attention. For example, web pages are known for using different fonts, making the letters bold, blinking, different color, underline etc).

Regarding claims 27 and 50, Sloo disclose to select a judge or a jury from a list of pre-qualified persons who may have agreed to serve as judges or jurors. These pre-qualified persons are categorized by criteria that is helpful in selecting an appropriate judge or jury so that the program can compare the characteristics of the persons on the judge/jury list to the characteristics of the dispute to select a judge or jury that would be the most appropriate for the dispute. For example, judges and jurors who have technical skills may be identified and selected to resolve dispute involving technical matters.

Regarding claims 28 and 51, Sloo discloses to receive a complaint from a complainant against a subject, receive from the subject a response to the complaint, store the complaint and response in a data record, and negotiate a settlement a of the complaint. Once the disputes are resolved, the settlements or judgments are stored along with their respective complaints and responses in the data records, thus insuring that the stored information can be retrieved anytime.

Regarding claims 29 and 52, Sloo discloses to create a unique e-mail address which is given only to the complainant and the subject so that it can be used as a private message area or as a password for entry into some type of private forum for negotiations between the complainant and the subject. The program then prompts the

subject to enter the private e-mail address or password that was created during the registration of the complaint determines whether the entered e-mail address is correct. Since only the complainant and the subject are provided with this private e-mail address, only the subject of the complaint can enter a response to the complaint, thus insuring the validity of the response.

Regarding claims 30, 31, 53 and 54, Sloo does not disclose showing a visual indicia to indicate membership. It is notoriously known that sellers display medallions showing their participation in several systems, groups, associations, etc. For example businesses displaying a "Better Business Bureau" (BBB) medallion at their point of sales.

Regarding claims 32 and 55, Sloo discloses a computer program and a programmed apparatus for automatically handling and resolving user complaints against subjects is disclosed. The program includes a routine for directing the apparatus to receive a complaint from a complainant against a subject, a routine for directing the apparatus to receive from the subject a response to the complaint, a routine to direct the apparatus to store the complaint and response in a data record, and a routine for negotiating a settlement of the complaint. Also, Sloo discloses several modes to resolve the issues which include "Negotiate the Complaint", "Request a Judge/Jury" to allow either the user or subject to request intervention by a third party to resolve the dispute; "Automatic Negotiator" to allow the system to determine a

Art Unit: 2165

resolution to the dispute; and "Appeal a Decision" to allow either part to appeal a decision that was rendered using either of the three previous options, thus emulating an online court for transacting parties to resolve the disputes.

Regarding claims 42, 43 and 46, Sloo discloses a computer system comprising central computer, plurality of access terminals coupled with the central computer by a communications network. The central computer is preferably a server. The communications network is a conventional telecommunications network including a plurality of switches connected to corresponding local exchange carriers. The network may also be a local area network, wide area network, wireless network, voice network, or any other type of network operable for coupling the access terminals to the central computer.

Regarding claims 44 and 45, Sloo discloses that the users of the system who file complaints may include individuals, businesses, organizations, or any other entities. The complaints may relate to goods, classes of goods, services, and/or the vendors, individuals, organizations, or any object. The subjects of the complaints may be individuals, manufacturers, distributors, wholesalers, retailers or any other responsible persons or entities.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 12, 13, 14 and 40 are rejected under under 35 USC § 103(a) as being unpatentable over Sloo U.S. Patent 5,895,450 in view of Burchetta et al. U.S. Patent 6,330,551.

Regarding claims 8 and 40, Sloo does not disclose settling the dispute if the settlement positions satisfy a predetermined criteria. Burchetta et al. discloses that the series of demands and the series of offers are compared on a round-by-round basis in accordance with pre-established conditions. It would have been obvious to a person with ordinary skill in the art at the time of applicant's invention to modify Sloo at taught by Burchetta et al. and settle the dispute when predetermined criteria are satisfied to resolve common disputes without experts involvement and save cost. For example, reimbursement for repairs related to a recall equipment.

Regarding claims 12 – 14, Sloo discloses to allow users of the apparatus to indicate their support or opposition to a judgment by posting the judgment and encouraging responses. However, Sloo does not disclose the judgement received is final judgement, and it is accepted by the one or more parties. It is inherent that users of a service have to abide with the rules and regulations of the service provider. If the service provider has the mandates that the judgement received will be the final judgement, then both the user and the subject have to agree to accept third party's judgement as final judgement before they begin to use the system.

Also Sloo does not disclose creating a contract between one or more parties. Burchetta et al. discloses the user system participation agreement. The agreement preferably details the terms of use of the system and details regarding the process. Preferably, a button is provided on the menu for either agreement or disagreement with the contract. If the user agrees to the terms of the contract, he or she proceeds to the original menu choice (adding/editing cases, or viewing cases). Otherwise, the user is returned to the login screen with all information cleared. It is obvious to a person with ordinary skill in the art at the time of applicant's invention to modify Sloo as taught by Burchetta et al. and get both the user and the subject to agree to the terms and conditions to make the third party decisions legally accepted which results in user and the subject saving money by avoiding high court costs.

Conclusi n

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

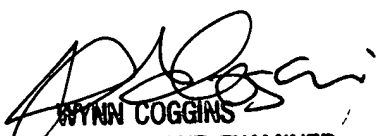
1. Sloo, U.S. Patent 5,895,450 discloses Method and Apparatus For Handling Complaints.
2. Burchetta et al., US Patent 6,330,551 discloses Computerized Dispute Resolution System And Method

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

April 10, 2002


WYNN COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100